

HOUSE BILL 115
EMERGENCY BILL

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2003 Regular Session
3r1137

By: **Delegate Jones**

Introduced and read first time: January 24, 2003

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Social Security Numbers - Mandatory Inclusion on Marriage and**
3 **Recreational Fishing License Applications**

4 FOR the purpose of requiring a person applying for a marriage license to provide the
5 Social Security ~~numbers~~ number of both parties each party to be married who
6 has a Social Security number; requiring placement of the Social Security
7 numbers in a specified electronic file ~~and~~; prohibiting ~~placement in a~~ disclosure
8 of a Social Security number as part of the public record of a marriage license
9 application or a certain fishing license application, except under certain
10 circumstances; ~~authorizing disclosure of the Social Security numbers to~~
11 requiring a certain custodian to deny inspection of the part of certain public
12 records containing a Social Security number except to a person in interest or the
13 Child Support Enforcement Administration; repealing provisions pertaining to
14 voluntary disclosure of Social Security numbers on marriage license
15 applications; ~~requiring a person applying for an angler's license to provide the~~
16 ~~person's Social Security number~~ repealing a requirement that certain Social
17 Security numbers be placed on a certain form; repealing a requirement that a
18 marriage license contain certain Social Security numbers; requiring the
19 Department of Natural Resources to require an applicant for a certain fishing
20 license to provide the applicant's Social Security number under certain
21 circumstances; making this Act an emergency measure; and generally relating
22 to Social Security numbers on certain applications.

23 BY repealing and reenacting, with amendments,
24 Article - Family Law
25 Section 2-402 and 2-403(a)
26 Annotated Code of Maryland

1 (1999 Replacement Volume and 2002 Supplement)

2 ~~BY repealing and reenacting, without amendments,~~

3 ~~Article - Natural Resources~~

4 ~~Section 4-604(e)~~

5 ~~Annotated Code of Maryland~~

6 ~~(2000 Replacement Volume and 2002 Supplement)~~

7 BY ~~repealing and reenacting, with amendments,~~ adding to

8 Article - Natural Resources

9 Section ~~4-604(f)~~ 4-205(l)

10 Annotated Code of Maryland

11 (2000 Replacement Volume and 2002 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article - State Government

14 Section 10-617(a) and 10-627

15 Annotated Code of Maryland

16 (1999 Replacement Volume and 2002 Supplement)

17 BY adding to

18 Article - State Government

19 Section 10-617(k)

20 Annotated Code of Maryland

21 (1999 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Family Law**

25 2-402.

26 (a) An applicant for a license may apply to the clerk only at the office of the
27 clerk during regular office hours.

28 (b) Except as provided in subsections (d) and (e) of this section, to apply for a
29 license, 1 of the parties to be married shall:

30 (1) appear before the clerk and give, under oath, the following
31 information, which shall be placed on an application form by the clerk:

32 (i) the full name of each party;

33 (ii) the place of residence of each party;

34 (iii) the age of each party;

1 (iv) whether the parties are related by blood or marriage and, if so,
2 in which degree of relationship;

3 (v) the marital status of each party; and

4 (vi) whether either party was married previously, and the date and
5 place of each death or judicial determination that ended any former marriage; [and]

6 (2) sign the application form; AND

7 (3) PROVIDE THE CLERK WITH THE SOCIAL SECURITY NUMBER OF EACH
8 PARTY WHO HAS A SOCIAL SECURITY NUMBER.

9 (c) [(1) The license application shall provide spaces for the voluntary
10 disclosure of the Social Security numbers of the parties.

11 (2) The clerk shall place Social Security numbers that are disclosed
12 under this subsection on the marriage license certificate forms required under §
13 2-403 of this subtitle.] THE SOCIAL SECURITY NUMBERS OF THE PARTIES:

14 (I) SHALL BE INCLUDED IN THE ELECTRONIC FILE FOR THE
15 MARRIAGE LICENSE APPLICATION; AND

16 (II) EXCEPT AS PROVIDED IN § 10-617 OF THE STATE GOVERNMENT
17 ARTICLE, MAY NOT BE INCLUDED DISCLOSED AS PART OF THE PUBLIC RECORD OF
18 THE MARRIAGE LICENSE APPLICATION; ~~AND~~

19 (III) UPON REQUEST BY THE STATE CHILD SUPPORT ENFORCEMENT
20 ADMINISTRATION, SHALL BE PROVIDED TO THE ADMINISTRATION.

21 (d) If the parties to be married are not residents of the county where the
22 marriage ceremony is to be performed, the clerk shall accept, instead of the
23 application specified in subsection (b) of this section, an affidavit from 1 of the parties
24 to be married. The affidavit shall:

25 (1) contain the information required by subsection (b) of this section; and

26 (2) be sworn to under oath before a clerk or other comparable official in
27 the county, state, province, or country where the party resides.

28 (e) In Cecil County both parties to be married shall appear together before the
29 clerk to apply for a license.

30 (f) Until a license becomes effective, a clerk may not disclose the fact that an
31 application for a license has been made except to the parent or guardian of a party to
32 be married.

33 2-403.

34 (a) (1) A license shall read substantially as follows:

1 "State of Maryland and County of To any individual authorized by the
 2 laws of this State to perform a marriage ceremony. You are hereby authorized to join
 3 together in matrimony according to the rules and ceremonies of your church, society
 4 or religious sect and the laws of this State, or according to the laws of this State, the
 5 following individuals: (state here
 6 name of intended husband) (state
 7 here name of intended wife) Given under my hand and seal of the Circuit Court for
 8, this day of (state here month and year)."

9 (2) A license shall contain:

10 (i) appropriate spaces in which the clerk shall enter:

11 1. the relationship of the parties to be married, if any; AND

12 2. as to each party, the name, age, state or foreign country in
 13 which born, residence, and marital status (single, widowed, or divorced); and

14 [3. the Social Security number of each party who voluntarily
 15 discloses the number; and]

16 (ii) a statement that the license is valid only:

17 1. for 6 months from the effective date and time stated on the
 18 license; and

19 2. in the county in which it is issued.

20 **Article - Natural Resources**

21 ~~4-604.~~

22 ~~(e) A person may apply for an angler's license to any person designated by the~~
 23 ~~Department. The application shall be on a form the Department prepares and~~
 24 ~~supplies. The applicant shall fill out, sign and submit the application to the person~~
 25 ~~designated to issue an angler's license. A person may apply by mail.~~

26 ~~(f) (1) The application shall contain the applicant's name, SOCIAL SECURITY~~
 27 ~~NUMBER, and place of residence.~~

28 ~~(2) A person may not use an assumed name or an address other than the~~
 29 ~~person's legal place of residence or make any false statement to obtain an angler's~~
 30 ~~license.~~

31 ~~(3) Before an angler's license may be issued, the applicant for the license~~
 32 ~~shall sign a statement which says:~~

33 "I understand that this license does not of itself permit me to fish on private
 34 property, and if I do so without permission of the owner I may be subject to a fine."

1 4-205.

2 (L) (1) THE DEPARTMENT SHALL REQUIRE AN APPLICANT FOR ANY
3 RECREATIONAL LICENSE UNDER THIS TITLE TO PROVIDE THE APPLICANT'S SOCIAL
4 SECURITY NUMBER, IF THE APPLICANT HAS A SOCIAL SECURITY NUMBER.

5 (2) EXCEPT AS PROVIDED IN § 10-617 OF THE STATE GOVERNMENT
6 ARTICLE, THE SOCIAL SECURITY NUMBER OF AN APPLICANT MAY NOT BE
7 DISCLOSED AS PART OF THE PUBLIC RECORD OF THE APPLICATION.

8 **Article - State Government**

9 10-617.

10 (a) Unless otherwise provided by law, a custodian shall deny inspection of a
11 part of a public record, as provided in this section.

12 (K) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
13 CUSTODIAN SHALL DENY INSPECTION OF THE PART OF AN APPLICATION FOR A
14 MARRIAGE LICENSE UNDER § 2-402 OF THE FAMILY LAW ARTICLE OR A
15 RECREATIONAL LICENSE UNDER TITLE 4 OF THE NATURAL RESOURCES ARTICLE
16 THAT CONTAINS A SOCIAL SECURITY NUMBER.

17 (2) A CUSTODIAN SHALL PERMIT INSPECTION OF THE PART OF AN
18 APPLICATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT CONTAINS A
19 SOCIAL SECURITY NUMBER TO:

20 (I) A PERSON IN INTEREST; OR

21 (II) ON REQUEST, THE STATE CHILD SUPPORT ENFORCEMENT
22 ADMINISTRATION.

23 10-627.

24 (a) A person may not:

25 (1) willfully or knowingly violate any provision of this Part III of this
26 subtitle;

27 (2) fail to petition a court after temporarily denying inspection of a
28 public record; or

29 (3) by false pretenses, bribery, or theft, gain access to or obtain a copy of
30 a personal record whose disclosure to the person is prohibited by this Part III of this
31 subtitle.

32 (b) A person who violates any provision of this section is guilty of a
33 misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.